Public Hearing

at the Offices of

USIBWC

4171 North Mesa Street, C-100

El Paso, Texas 79912

on Tuesday, January 27, 2004

A P P E A R A N C E S

Mr. R.C. Wooten
Mr. Douglas Echlin
Dr. Carlos Victorio

ORIGINAL

THE FACILITATOR: Good evening, ladies and gentlemen. If everyone would please take a seat. Thank you. My name is R.C. Wooten. I'm with Parsons in Austin, and I'm the public hearing facilitator for this evening. I welcome you to tonight's public hearing on the draft Environmental Impact Statement and the river management alternatives for the Rio Grande Canalization Project.

For the record, let me state that this public hearing is being convened at 7:00 p.m. on Tuesday, January 27, 2004, in the first floor conference room at the offices of the United States International Boundary and Water Commission, 4171 North Mesa Street, El Paso, Texas.

I want to let you know that the entire proceedings are being recorded by a court reporter and that an official transcript will be prepared and posted on the IBWC's website within two weeks of this meeting.

The purpose of this public hearing is to provide you with an opportunity to present your views, opinions and recommendations concerning the draft Environmental Impact Statement. Parsons has provided support to the USIBWC in preparing this draft Environmental Impact Statement.

At this time, I want to introduce our panel here this evening. Mr. Doug Echlin, he's the project manager for the U.S. section of the United States Boundary and Water Commission on this project, and Dr. Carlos Victorio who is the EIS project manager for Parsons from Austin, Texas.

We will begin with a presentation of the draft EIS by Mr. Echlin to review the alternatives and look -- take a look at the environmental effects of this proposal.

MR. ECHLIN: Thank you, R.C.

Let me start with the project area. The canalization project is a 105-mile segment of the Rio Grande from the low Percha Dam to American Dam in New Mexico and Texas. The river segment was modified in early 1940s to improve water delivery and flood control. The project has been operated and maintained by the USIBWC.

We're dealing with a long, narrow corridor, typically 500 to 1,000 feet wide, largely enclosed by levees. It extends from Percha Dam in New Mexico to American Dam in El Paso. The project encloses about 8332 acres of land, 11,000 acres including the river bed.

The action under consideration is the

long-term change in river management practices and implementation of environmental measures. The EIS is conducted as required by the 1969 National Environmental Policy Act, or NEPA, to assess effects of any major action conducted by a federal agency.

A key element in the development of alternatives is of the need to meet the canalization project requirements for flood control and water deliveries. Today's hearing is an integral part of the EIS, the review of the draft EIS by the public and agencies that will extend until March 1st, extended at stakeholders' request.

The development of alternatives followed a three-year consultation process that resulted in the preparation of an alternatives formulation report in March 2001 and a reformulation of alternatives report distributed in August 2003. Comments received during the review period will be addressed by the USIBWC and final EIS will be prepared. We anticipate release in April.

The USIBWC will select an alternative for implementation after the comment period and indicate its selection in the final EIS. After the final EIS 30-day waiting period, the record of decision will be published.

An extensive and open consultation process has been followed for EIS preparation. Stakeholders include the public, federal, state and local agencies, elected officials, academic institutions, irrigation districts and environmental organizations. The initial scoping meetings took place in November 1999. Input received was incorporated into a preliminary formulation of alternatives that was then discussed in technical workshops and public presentations. A final report was made available to stakeholders in March 2001.

Additional input and recommendations from stakeholders were then included in a set of reformulated alternatives, reviewed in subsequent workshops and presentations, and completed in a final report in August of 2003. The potential effects of alternatives under consideration were evaluated in the draft EIS released to the public on December the 18th and filed with Environmental Protection Agency as required by the NEPA process, and it was announced December 24th in the EPA Notice of Availability.

A series of river management alternatives were developed and modified based on stakeholder input. Following a three-year evaluation period, a no-action alternative and three action

alternatives were selected for evaluation in the EIS.

The no-action alternative maintains operations and maintenance procedures as currently conducted; a second alternative that emphasizes flood control, a third alternative that focuses on management modification to lands under USIBWC jurisdiction; a fourth alternative that intends to partially restore environmental condition of the river.

Current practices were arranged in four management categories for analysis of potential changes. Levee system management includes routine inspection and maintenance, including the levee road, vegetation control, and local repairs as needed. Floodway management includes vegetation control by annual mowing to control the vegetation, uses of grazing leases, and cooperative agreements for recreational use of IBWC lands.

Channel maintenance includes removal of obstructions from the channel, as well as maintenance of infrastructure such as gates and other irrigation facilities and the American Diversion Dam. Sediment management includes dredging of the mouths of the arroyos as required and maintenance of the National Resources Conservation Service sediment control dams.

The first three action alternatives focuses on flood control improvement. The levee system is efficient, but potential improvements were identified in a 1996 study conducted by the U.S. Army Corps of Engineers. And that was a study using modeling.

The IBWC is currently completing an evaluation of the levee system along the canalization project. This alternative would include identified levee improvements such as increased height, which in flood control terms is called the "free board." New grazing leases would be modified to meet Environmental Protection Agency and Bureau of Land Management management guidelines as required by the USIBWC directives. Options would be evaluated for outside right-of-way sediment disposal from dredging operations.

The second action alternative includes environmental measurements to improve overall ecosystem conditions on USIBWC lands. This alternative would include identified levee improvements and changes in grazing leases as identified in the previous alternative.

A key element of the alternative is the increase in native vegetation along the riverbanks for

stabilization and to provide wildlife habitat. Use of managed grasslands on the floodway was identified as a measure to control erosion and to provide wildlife habitat.

Riparian bosques, the predominantly cottonwood forested areas by the sides of the river, would be developed by selected floodway locations for bank stabilization and wildlife habitat. Two environmental measures would be used, depending on the site elevation. Tree planting and lowering of stream banks, all measures to be implemented within USIBWC lands. A 20-year time frame would be used for implementation of this alternative.

At full implementation, the anticipated modifications would apply to modified grazing guidelines, about 43 percent of the lands under USIBWC jurisdiction compliance with new directives. About 20 percent of right-of-way would be converted from an annual mowing regime to managed native grasslands.

A potential for 223 acres of planting area was identified, a potential for cottonwood willow establishment. Lowering of stream banks was identified for about 127 acres of USIBWC lands, which is approximately 2 percent of the total land. The extent of planting and bank shavedowns would be

dictated by practical considerations, such as extent of soil removal and disposal.

The third alternative would improve ecosystems in USIBWC lands and partially restore stream conditions. Levee improvements, as identified for previous alternatives are included. Also included are changes in floodway maintenance, grazing lease modification, managed grasslands and cottonwood planting for bank stabilization and wildlife habitat development.

Limited stream channel reconfiguration would be conducted at selected locations. Three potential measures are, partially reopening of six meanders closed during the canalization construction, modify arroyo, dredging to diversify the habitat, and controlled water releases from Caballo Dam for overbank flows.

At full implementation at 20 years, the anticipated modifications would apply to modified grazing guidelines, about 42 percent of the right-of-way. About 20 percent of the right-of-way would be converted to managed grasslands. A potential for 189 acres of planting areas was identified. That's 3 percent. Overbank flows would extend up to 516 acres that include voluntary conservation

easements limited to the Rincon Valley.

A number of issues analyzed for development of alternatives were related to Rio Grande Canalization Project functionality. Among these are, comply with the canalization project mission for flood control and efficient water delivery. Potential levee deficiencies limited the extent and location of environmental measures under consideration. The need for control of salt cedar and avoid reduction in flood control capability requires continued mowing of approximately 2200 acres, or about half of the currently mowed areas.

Water-related issues were extensively analyzed for development of alternatives. Key issues for implementation are feasibility of several environmental measures is tied to water availability. The need for compensation for water consumption was evaluated as part of the effects analysis.

Water acquisition by sponsoring on-farm conservation programs was given the first priority for implementation. Retaining existing farmlands in production along the canalization project was adopted as a goal.

Potential effects on water resources are tabulated for the five -- I'm sorry -- for the

four alternatives. At full implementation, 20-year horizon, potential increase in water consumption relative to current conditions would be 1078 acre feet per year for flood control improvement alternative equivalent to about two-tenths of a percent of the current water diversions along the canalization project. 2203 acre feet per year for integrated land management alternative, equivalent to about .35 hundredths of a percent of current diversions along the canalization project. 9461 acre feet per year for the targeted river restoration alternative, equivalent to about 1.55 percent of current diversions along the canalization project. Most consumption due to one measure, controlled water releases. Overall long-term improvement in water quality by erosion control and delivery by bank stabilization. Short-term adverse effects due to ground disturbance.

A comparative effect analysis in terms of biological resources indicates considerable positive changes relative to current conditions would be associated with two alternatives. For the integrated land management alternatives, improvements would be in native bosque and grasslands increases, 350 and 1641 acres.

For the targeted river restoration

alternative, greater improvements would be expected, particularly in native bosques, 1549 acres. Salt cedar control would be a benefit of implementing environmental measures, 130 and 543 acres, respectively.

Land use change in areas outside the right-of-way would be expected. With the proposed on-farm conservation program, land retirement would be limited to material borrow sites for levee rehabilitation, estimated at 50 acres. For the targeted river restoration alternative, 288 acres of farmland would be added as voluntary conservation easements. Without the proposed on-farm conservation program, additional farmland would need to be retired for acquisition of water rights.

The estimated acreage would be 734 and 3154 acres for the integrated land management and the targeted river restoration alternatives, respectively. For all alternatives, existing and proposed USIBWC incentives for park, recreational use within the right-of-way would be continued as cooperative agreements.

To sum up the presentation, the USIBWC is currently considering four alternatives for long-term management of the Rio Grande canalization

project. Those alternatives range from continuation of current practices to multiple changes in floodway management and aquatic habitat diversification.

Potential effects of each alternative were evaluated in the draft EIS that has been available for public review since December 18th, 2003. Comments will be addressed in the final EIS. A preferred alternative will be selected by the USIBWC after the comments are addressed.

I'll give the podium back to you.

THE FACILITATOR: Thank you, Doug.

Now we're going to move into the public comment portion of the program. When you signed in this evening we asked that you would fill out a card if you intended to speak. So far I only have two cards. If there is anyone else who's decided to speak now that you have heard the presentation, please fill out a card and hand it in at the table to Peggy so we can put you in line for your comments.

I ask that everyone give all the speakers your courtesy in not make any comments during their presentation, that you limit your verbal statements to five minutes each. In your handout, we did give you some ground rules, and we would expect that you follow those ground rules for speaking.

When you're called, please come forward to the microphone in the center of the seats there. Speak into the microphone. Identify yourself by your full name and affiliation. This is for the purpose of the public record. As a reminder, the ground rules for comments are provided in the handout given to you this evening.

Our first commenter this evening will be Mr. Kevin Von Finger, if you would come forward, please.

MR. VON FINGER: I guess I'm more confused than when I came in here, which wasn't too hard to do. I noticed that the statistics for tree planting, riparian plantings, 200-some acres, but the increase in the bosque would be over 1500 acres. What's -- so a lot of bosque increase is not from planting. What is it due to?

THE FACILITATOR: Mr. Echlin, if you would like to clarify.

MR. ECHLIN: The bosques are areas that preexist. We have bosques within our right-of-way in the Rincon Valley. And it's those areas that we're talking about. Tree plantings would be areas that don't necessarily already have trees and likely could support further forestation.

MR. VON FINGER: So there really wasn't an increase in that graph you saw? The graph had 1500 acres. I thought that was an increase. Maybe that could be clarified.

THE FACILITATOR: We will clarify that in the EIS. Our primary role is to take the comments. We appreciate that concern, and we'll make sure that's addressed and clarified.

MR. VON FINGER: I've got another question for you. Tree planting, the 223 acres approximately, does that mean that there won't be any additional cottonwood planting of the kind that you've done in the past, up and down the entire stretch? Is that not -- I mean, that's not excluded, is it?

MR. ECHLIN: No. The plantings that we've done in the past, we're just taking it to another level. We're going to be identifying the areas where we feel that the tree plantings are going to be even better supported by the reconfiguration, if you will, of these point projects that are identified in the EIS.

MR. VON FINGER: But that doesn't exclude other areas to be planted.

MR. ECHLIN: That are already planted or --

MR. VON FINGER: No, that are not planted that could. For example, you can continue doing what you started a long time ago.

MR. ECHLIN: I would suspect that there may be additional areas that probably could be supported.

MR. VON FINGER: You may want to clarify that in the EIS. It does not artificially constrain the planting; otherwise, it sounds kind of arbitrary.

MR. ECHLIN: It will be helpful, Kevin, if you would put your comments in writing. I would appreciate it, and that way we can address them in the EIS as well.

MR. VON FINGER: I will do that. And I do have another question on the hydrological model. From what I understand, you're using a one dimension, and doesn't that -- instead of a two-dimensional model. Isn't two dimensions much more robust in terms of data it gives you? That's what I'm told, and that's what I've read, especially in terms of lateral flow.

MR. ECHLIN: We'll take that as a comments and address it in our responses in the EIS.

MR. VON FINGER: Okay.

MR. ECHLIN: We've addressed it in the reformulation of alternatives report as well. I can't recall the exact chapter where that's located.

MR. VON FINGER: Because it sounds like it might be very important to have that extra data, and it might benefit folks to just delay the decision making until you get that extra data. That's all I've got.

MR. ECHLIN: Thank you.

THE FACILITATOR: Thank you very much for your comment, Mr. Von Finger.

Our next commenter will be Lori Rivera.

MS. RIVERA: My name is Lori Rivera. I would like to make a few comments on behalf of the Ysleta del Sur Pueblo's Environmental Management Office at 119 South Old Pueblo, El Paso, Texas.

First, I would like to point out that the Ysleta del Sur Pueblo is a federally recognized Indian Tribe that has significant historical, cultural, and religious ties to the Rio Grande. Our people have a significant stake in water quantity, environmental quality, and cultural resource issues.

Second, Table 3.10-2 summarizes the consultation that supposedly occurred with Native American tribes. The table indicates that the Ysleta

del Sur Pueblo made no response to the letter or follow-up call by the IBWC. A letter and phone call do not constitute consultation. Consultation is the bilateral government-to-government process of negotiation, cooperation, and policy level decision making.

My third point is, on pages 3-61 and 3-62 both known and undiscovered archeological resources are discussed. The Ysleta del Sur Pueblo is culturally affiliated with all known Puebloan groups, Ancestral Pueblo sites, and all Jornada Mogollon, Piro, Suma, Manso, and Jumano sites. The Tribe is also culturally affiliated with all prehistoric, protohistoric, and historic indigenous cultural traditions found in our Spanish Land Grant areas as well as aboriginal claim area.

THE FACILITATOR: Thank you very much for your comment.

Our next commenter will be Mr. Armando Vega. Come forward, please.

MR. VEGA: My name is Armando Vega. I'm a consultant with A and R Environmental Service. And my question is regarding grassland management grass. Specifically, it will describe that there are going to be some modifications in grazing leases.

That is -- and it's also described as changes in range land management. Those are pretty much the same. I mean, modifying a grazing lease would modify the grassland management, but those -- the changes are not described. They are just mentioned.

In order to evaluate those -- someone that wants to contribute to this draft Environmental Impact Statement needs to know what the current management is and what the current leases, agreements, are, and then what the changes are going to be. You don't describe in the draft Environmental Impact Statement. Can someone here elaborate a little on those?

THE FACILITATOR: We -- thank you for your comment, and what we are trying to do tonight is just take comments. We will address that comment in the EIS to clarify that.

MR. VICTORIO: In the description of chapter 3 -- in chapter 2, when we described the actions for each alternative, we do describe what the grasslands management, native grasslands management, is or entails and the modification of grazing leases. And you're right -- I'll be able to point out to you. It's in generic terms.

But essentially, they are separate

areas. Right now we have grazing areas that are established, and we have agreed with the lessees for several years. And what we would like to do with that is put directives in place to improve erosion control. That might be rotation of grazing areas or different ways to manage that land.

The other areas are separate, and that will be native grasslands. Grassland areas that would not have cattle at all. They would be intended to encourage the development of native grasses. They are separate areas.

I guess that was the -- I'll be glad to show you where in the document you can find some more information.

THE FACILITATOR: Thank you.

Is there someone else who would like to make a comment? Is there someone else who would like to make a comment? You can come forward to the microphone.

We would appreciate you saving any written comments. We have forms in the back on the table. If there are no more comments, the comment period has been extended to March 1st, based on the request of several stakeholders.

Thank you to USIBWC for hosting this

hearing, and to all of you for attending. If there are no other comments, no one desires to speak, this hearing is now adjourned.

(Hearing adjourned)

C E R T I F I C A T E

The State of Texas )
County of El Paso )

I, Anne H. Mountin, a Certified Shorthand Reporter in and for the State of Texas, hereby certify that this transcript is a true record of said proceedings, and that said transcription is done to the best of my ability.

Given under my hand and seal of office on this 10th day of February, 2004.

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